

REMARKS

Favorable action on the merits is solicited in view of the foregoing amendments and the following remarks.

I. CLAIM STATUS AND AMENDMENTS

Claims 1-19 are subject to restriction. Claims 1-17 have been canceled and the subject matter of these claims replaced by corresponding new claims 20-36. The new claims correspond to the original and previously presented claims but have editorial revisions to better conform to U.S. claim form and practice, and for additional clarity of the claimed subject matter. The revisions are non-substantive and are not intended to change the scope of protection. Claims 18 and 19 have been canceled with no corresponding replacement claims. New dependent claims 37 and 38 further delimit subject matter from original claim 1. Upon entry of this amendment, claims 20-38 will be pending.

Accordingly, the Restriction Requirement now corresponds thus:

Group I: new claims 20-31, 37 and 38

Group II: new claims 32-36

Group III: canceled claims 18-19

II. RESPONSE TO RESTRICTION AND ELECTION OF SPECIES

In response to the May 28, 2009, Restriction Requirement, Applicants hereby provisionally elect, with traverse, the invention of Group I, previous claims 1-12, this group drawn compounds of formula (I). The claims of Group I now correspond to new claims 20-31, 37 and 38.

In response to the Election of Species Requirement, Applicants hereby provisionally elect, with traverse, the compounds of formula (Ic) as shown in the specification, at page 9, and in original claim 12, as elected species for examination on the merits. It is respectfully submitted that at least claims 1-12 (new claims 20-31, 37 and 38) are readable on the elected species.

The grounds for traversal are as follows.

The instant application is a 371 National stage application of PCT/FR03/003794, and thus, PCT rules apply. PCT Rule § 13.1 states that the international application shall relate to one invention only or to a group of inventions so linked as to form a single general inventive concept (requirement of unity of invention). PCT Rule § 13.2 provides that where a group of inventions is claimed in one and the same international application, the requirement of unity of invention referred to in Rule § 13.1 shall be fulfilled when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features. The "special

technical features" are those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art.

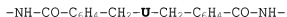
Applicants respectfully traverse the Office Action's position of the absence of a common technical feature among Groups I, II and III. The Office Action fails to satisfy the requirements of PCT Rule § 13.1 and PCT Rule § 13.2.

The Office Action takes the position that the claims of Group I, II, and III lack unity of invention, because the common technical feature, i.e., the compounds, does not define a contribution over the art of DIDIER et al. (European Journal of Organic Chemistry (2001) pp 1917-1926). In this regard, the Office Action argues that DIDIER teaches compounds of formula (I), at page 1918, scheme 1. Applicants respectfully disagree.

DIDIER describe a method for functionalization of porphyrins, utilizing the condensation of 3-(chloromethyl)benzoyl chloride with different atropisomers of *meso*-(tetra-*o*-aminophenyl)porphyrin (TAPP), followed by the reaction of a series of nucleophilic reagents in order to obtain precursors of biomimetic models of heme proteins such as cytochrome c oxydase (CcO). The compounds described in DIDIER comprise cyclic handles responding to the following formula:



This formula in DIDIER , however, is outside of formula (I) of the instant invention wherein the handles may have the following formula:



with U representing C(Z,W) wherein Z and W are always different. This is in contrast to DIDIER wherein the corresponding units are the same, i.e., COOEt. The compounds according to the instant invention are illustrated, for example, in figures 4 to 9 (compounds 5 to 21).

For these reasons, Applicants respectfully submit that DIDIER fails to teach or suggest each and every element of the claimed compound. Thus, Applicants respectfully submit that the present claimed invention defines a contribution over the prior art. Accordingly, unity of invention for Groups I, II, and/or III should be recognized.

Applicants believe that all of the claims are sufficiently related so as to warrant a search and examination of all the claims in their full scope.

In the event that the Office disagrees with the traversal and maintains the Restriction requirement, then kindly consider the possibility of rejoinder of the non-elected subject matter, upon a determination of allowance of the election invention, per U.S. practice and M.P.E.P. § 821.04.

Also, please consider and examine additional species, upon a determination of allowance of the generic claims, in accordance with U.S. election of species practice.

Applicants request favorable action on the merits.

Should there be any matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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